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ORIGINAL

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**FILED**  
DISTRICT COURT OF GUAM

NOV 17 2006 *hba*

**MARY L.M. MORAN**  
**CLERK OF COURT**

IN THE DISTRICT COURT OF GUAM

AMERICOPTERS, L.L.C.,

CIVIL CASE NO. CIV03-00005

Plaintiff,

vs.

FEDERAL AVIATION ADMINISTRATION,

**REQUEST FOR ENTRY OF DEFAULT**

Defendant.

**TO: CLERK OF COURT**

PLEASE ENTER THE DEFAULT of Defendant Federal Aviation Administration ("FAA") for its failure to plead or otherwise defend as provided by the Federal Rules of Civil Procedure 55, as is more fully set forth herein.

Plaintiff Americopters, L.L.C. filed its Complaint in this case was filed three years ago, on February 18, 2003. The FAA did not file an Answer, but rather responded with a Motion to Dismiss. The District Court granted the motion, and FAA filed an appeal with the Ninth Circuit.

On March 21, 2006, the Ninth Circuit remanded Americopters' due process claims to the District Court. On August 15, 2006, the Court held a Scheduling Conference and entered a Scheduling Order, which included deadlines to serve the Initial Disclosures by October 16, 2006,

and to file amendments to pleadings by November 2, 2006. The FAA has not served Initial Disclosures and has not filed an Answer to the Complaint. McDonald Aff., ¶¶ 3-5.

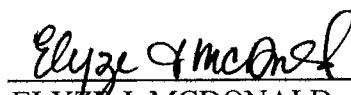
Federal Rule of Civil Procedure 55 allows the Clerk to enter a party's default for failure to plead or otherwise defend an action. The FAA has not submitted any pleadings to date. Americopters cannot pursue this litigation or otherwise pursue discovery without knowing the FAA's position on Americopters claims.

The FAA also has not submitted any Initial Disclosures, thereby signifying its violation of the Court's Scheduling Order and Federal Rule of Civil Procedure 26(a).

For the FAA's failure to plead or otherwise defend this case, the appropriate remedy is to enter default against it.

DATED: Hagåtña, Guam, November 17, 2006.

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